

DOCUMENT RESUME

ED 415 609

EC 306 079

AUTHOR Bruyere, Susanne M.
TITLE The ADA and Personnel Training. Implementing the Americans with Disabilities Act Series.
INSTITUTION State Univ. of New York, Ithaca. School of Industrial and Labor Relations at Cornell Univ.
SPONS AGENCY National Inst. on Disability and Rehabilitation Research (ED/OSERS), Washington, DC.
PUB DATE 1994-08-00
NOTE 5p.
CONTRACT H133D10155
AVAILABLE FROM ILR Program on Employment and Disability, ILR Extension Building, Room 102, Cornell University, Ithaca, NY 14853-3901; telephone: 607-255-7727; TTY: 607-255-2891; fax: 607-255-2763.
PUB TYPE Guides - Non-Classroom (055)
EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Accessibility (for Disabled); *Civil Rights Legislation; Compliance (Legal); *Disabilities; Equal Protection; Federal Legislation; *Legal Responsibility; *Personnel Policy; *Staff Development
IDENTIFIERS *Americans with Disabilities Act 1990

ABSTRACT

This brief paper uses a question-and-answer format to summarize requirements of the Americans with Disabilities Act (ADA) of 1990 related to personnel training. Topics address the purpose of the ADA; personnel within an organization who should receive training on the ADA; information on the ADA that these personnel should have; starting a training program on the ADA; accessibility of training to persons with disabilities; and related training responsibilities (such as prohibition of third-party discrimination). A listing of three resources is provided. (DB)

* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *

Implementing the Americans with Disabilities Act

THE ADA AND PERSONNEL TRAINING

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)

✓ This document has been reproduced as
received from the person or organization
originating it.

□ Minor changes have been made to
improve reproduction quality.

• Points of view or opinions stated in this
document do not necessarily represent
official OERI position or policy.

This brochure was written by
Susanne M. Bruyère, Ph.D.,
C.R.C., Director, ILR Program
on Employment and Disability,
Cornell University, Ithaca, New
York.

For a more extensive review of
the topic see a publication
entitled "The ADA and
Personnel Training" by Susanne
M. Bruyère, which will be
available for purchase from
your Regional Disability and
Business Technical Assistance
Center at 1-800-949-4232
(voice/TTY), or from LRP
Publications, PO Box 980,
Horsham, PA 19044-0980,
phone 1-800-341-7874.

Program on Employment and Disability
New York State School of Industrial
and Labor Relations
CORNELL UNIVERSITY

What is the Americans with Disabilities Act?

The Americans with Disabilities Act (ADA) is a landmark piece of Civil Rights legislation that extends the prohibition against discrimination on the basis of race, sex, religion, and national origin to persons with disabilities. Because the ADA covers all aspects of participation in society, such as employment, public accommodations, transportation, and telecommunications, its impact will be felt in business organizations in multiple ways. Businesses will be impacted by the ADA both as employers and as providers of goods and services. It is therefore important that each business organization prepare its employees for the Americans with Disabilities Act by providing appropriate information and personnel training on the provisions of the ADA, its relevance to the functioning of the organization as a whole, and the responsibilities of specific personnel.

Which personnel in our organization should receive training on the ADA?

Since the impact of the ADA is broad, virtually everyone in your organization might find informational material or training on the ADA relevant for their respective functioning. General information could be useful to all employees, informing them of their rights under the ADA. Employers should consider a number of personnel who may benefit from ADA training both in terms of ensuring that their efforts are in compliance with the ADA, and to ensure that their response to persons with disabilities in their respective functioning is appropriate. Personnel categories which can be considered for training are as follows: training or staff development personnel; human resource development

professionals; top management; middle managers; front line supervisors; line employees; union leadership and field representatives; benefits and compensation staff; safety and environmental health personnel; recruitment and job interviewing personnel; industrial/organizational psychologists or other personnel doing pre-employment screening; organizational development personnel; ergonomic specialists; short and long-term disability managers; customer relations representatives; receptionists and others who interface with the general public.

Which kinds of information on the ADA should be shared with these personnel?

Most personnel can benefit from some basic knowledge about the existence of the law and its requirements. More specific information should be directly relevant to the functioning of these personnel and their responsibilities, which might be impacted by the requirements of a particular provision of the ADA. The following are some examples of personnel training that can be considered and targeted to meet the unique information needs of personnel, dependent upon their job functioning:

- Overall knowledge of all titles of the ADA
- Knowledge specific to the ADA employment provisions
- Knowledge specific to the ADA public accommodations provisions
- Employment pre-screening and applicant interviewing under the ADA
- Medical, drug, and other testing under the ADA
- Interface of the ADA with other state and federal employment and non-discrimination legislation

- Identifying essential job functions
- Writing job descriptions that identify essential job functions
- The reasonable accommodation process
- General information regarding specific disabilities and possible accommodations
- Job evaluation and compensation information and persons with disabilities
- Career equity/promotional considerations for persons with disabilities
- Reskilling when disability occurs
- Non-discriminatory performance appraisals
- The impact of the ADA on accommodation requirements in personnel training
- Customer relations with customers with disabilities
- Data/record keeping on accommodations
- Negotiation/conflict management in the reasonable accommodation process
- The place of job coaching and/or supportive employment in the reasonable accommodation process

Selected topics, such as specific accommodations for persons with particular disabilities may be best presented by coupling the information of an instructor familiar with the ADA, with that of a professional with expertise on accommodation for such persons. Some examples of these professionals might be an ergonomist, physical or occupational therapist, rehabilitation counselor, supported employment specialist, mental health or drug and alcohol abuse therapist/counselor, or rehabilitation engineer.

Other topics which may not directly relate to the requirements of the ADA, but may support the intent of the ADA

are training in such topics as: attitudes toward persons with disability; disability as a facet of cultural diversity; effective disability management; prevention of disability; and effective recruitment of persons with disabilities.

The above list is not exhaustive, but representative of many content areas which can be considered for effective information sharing and staff development on the provisions of the Americans with Disabilities Act of 1990. Specific content should be targeted toward the job responsibilities of personnel receiving the training.

Where is a good place to start a training effort on the ADA?

As previously mentioned, personnel at all levels of an organization might benefit from ADA information and training. Getting the support and commitment from top management is an imperative place to start for any such effort. It is important for any such information dissemination initiative to be seen as a company-wide commitment for a real impact to occur.

In larger companies, where human resource professionals are the personnel chiefly responsible for employee recruitment, interviewing, pre-employment screening, benefits, compensation, and training, this department may be the appropriate place to focus initial information dissemination efforts. It would also be useful to include employee and labor relations personnel in this round of training.

The next level of training in larger companies, and perhaps the first level of focus in smaller companies is that of managers. Some of the topics on

the ADA employment provisions which can be targeted to the information needs of supervisors are as follows: pre-employment screening and ADA requirements; medical, drug, and other testing; writing job descriptions with essential job functions; the reasonable accommodation process; performance expectations and the person with a disability; and equal access for persons with disabilities to staff development and promotional opportunities.

What are factors to consider for accessibility of training to persons with disabilities?

The employment provisions of the Americans with Disabilities Act provides that "no employer shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job training." This may mean that personnel trainers, to meet the accommodation needs of a trainee with a disability, could be required to make any of the following examples of possible modifications to address the need of a given individual:

- Restructuring or simplifying training formats to accommodate trainees with cognitive impairments
- Making training rooms wheelchair accessible
- Brailling or audio-taping print materials
- Providing a sign language interpreter or reader
- Captioning videotape materials
- Being aware of environmental irritants for chemically sensitive trainees
- Advocating on behalf of a trainee for training held elsewhere, when an accommodation is needed for that individual

Are there other related training responsibilities we should be considering?

The ADA employment provisions also state that covered entities cannot use a third-party to discriminate on their behalf. Thus, employers should also consider the possible information needs on ADA requirements of organizations that they have contractual relationships with, for example, insurance companies, third party administrators of worker compensation or health care benefits, labor unions, or employee assistance programs.

ADA Title I prohibits discriminating against a qualified individual with a disability in all terms, conditions, and privileges of employment, including health benefits. The ADA specifically prohibits participating in a discriminatory contractual or other arrangement with organizations that provide fringe benefits to employees.

The union steward is the person in the union with whom each member may have direct contact -- to whom s/he brings his/her problems and grievances, from whom s/he gets information, and who s/he generally sees everyday on the job. The shop steward can serve a role in information dissemination on the ADA. It is at this level that information about the ADA can be shared with union membership on such topics as the union's role in informing the workforce about non-discrimination of persons with disabilities in the workplace and the reasonable accommodation process.

There are a number of topics related to the ADA employment provisions which may have relevancy to the functioning of Employee Assistance Program (EAP) professionals. The prior focus

of EAP professionals has been on service to persons who have alcohol and drug addiction problems; certainly these individuals may be persons who are covered by the employment provisions of the Americans with Disabilities Act of 1990. Therefore, providing EAP professionals with information about categories of covered entities under the ADA, and their rights in terms of non-discrimination in employment practices is most important. In addition, persons with disabilities of other kinds may also seek support from EAP professionals to assist them through the difficult times they incur when a disabling condition or serious illness impacts their work and day to day life functioning. EAP professionals may be the support counseling system for business organizations, and therefore providing EAP professionals with information about the impact of disability, and the rights of persons with disabilities is most appropriate.

Where can I get further resources to conduct training on the Americans with Disabilities Act?

Many private commercial distributors and not-for-profit organizations have now developed informational and training materials on the ADA. A comprehensive listing of print and audio visual materials on the employment provisions of the ADA is provided in the expanded version of this paper available through your local Disability and Business Technical Assistance Center or LRP Publications, as listed on page one of this informational brochure.

In addition, listings of resources and copies of publications and video tapes are available from your local Disability and Business Technical Assistance Center; call 1-800-949-4232 to request

such a list. A complete listing of products and training packages produced by the National Materials Development Project on the ADA Employment Provisions at Cornell University is available either from the Program on Employment and Disability in the School of Industrial and Labor Relations at (607)255-7727, or also from your regional disability and business technical assistance center as listed above.

Further resources on the Employment provisions of the ADA are available from the following:

Job Accommodation Network (JAN), 800/526-7234, West Virginia University, P.O. Box 6080, Morgantown, West Virginia 26506-6080.

Equal Employment Opportunity Commission, 1801 L Street, NW, Washington, DC 20507, (800)669-4000 (Voice) to reach EEOC field offices; for publications call (800) 800-3302 or (800) 669-EEOC (voice/TTY).

ADA Regional Disability and Business Technical Assistance Center Hotline, 800/949-4232 (voice/TTY).

For Further Information Contact:

ILR Program on Employment and Disability

ILR Extension Bldg., Room 102

Cornell University

Ithaca, NY 14853-3901

Voice: (607) 255-7727

Fax (607) 255-2763

TTY: (607) 255-2891

This material was produced by the *Program on Employment and Disability*, School of Industrial and Labor Relations - Extension Division, Cornell University, and funded by a grant from the National Institute on Disability and Rehabilitation Research (grant#H133D10155). An English language version has been reviewed for accuracy by the U.S. Equal Employment Opportunity Commission. However, opinions about the Americans with Disabilities Act (ADA) expressed in this material are those of the author, and do not necessarily reflect the viewpoint of the Equal Employment Opportunity Commission or the publisher. The Commission's interpretations of the ADA are reflected in its ADA regulations (29CFR Part1630), its Technical Assistance Manual for Title I of the Act and in various enforcement guidance.

Cornell University is authorized by the National Institute on Disability and Rehabilitation Research (NIDRR) to provide information, materials, and technical assistance to individuals and entities that are covered by the Americans with Disabilities Act (ADA). However, you should be aware that NIDRR is not responsible for enforcement of the ADA. The information, material, and/or technical assistance is intended solely as informal guidance, and are neither a determination of your legal rights or responsibilities under the Act, nor binding on any agency with enforcement responsibility under the ADA.

In addition to serving as a National Materials Development Project on the Employment Provisions of the Americans with Disabilities Act of 1990, the *Program on Employment and Disability* also serves as the training division of the Northeast Disability and Business Technical Assistance center. This publication is one of a series edited by Susanne M. Bruyere, Ph.D., C.R.C., Director of the ILR Program on Employment and Disability at Cornell University.

OTHER TITLES IN THIS *IMPLEMENTING THE ADA* SERIES ARE:

A Human Resource Perspective on Implementing the ADA
Pre-Employment Screening Considerations and the ADA
Pre-Employment Testing and the ADA
Reasonable Accommodations Under the ADA
Health Benefit Plans and the ADA
The ADA and Injured Workers
The ADA and Collective Bargaining Issues
The ADA and Personnel Training
The ADA and Total Quality Management
Cultural Diversity and the ADA

These and other informational brochures can be accessed on the World Wide Web at:

www.ilr.cornell.edu/ped/ada

For further information about publications such as these, contact the ILR Program on Employment and Disability, Cornell University, 102 ILR Extension Division, Ithaca, NY 14853-3901; or at 607/255-2906 (Voice), 607/255-2891 (TTY), or 607/255-2763 (Fax).

CORNELL UNIVERSITY